IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division
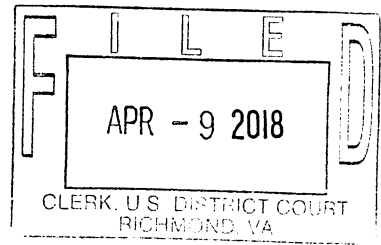
MARK ALLEN JENKINS,   )
)
    Petitioner,   )
)
v.   )   Civil Action No. 3:17CV737–HEH
)
ERIC WILSON,   )
)
    Respondent.   )

MEMORANDUM OPINION
(Dismissing Habeas Petition Without Prejudice)

Petitioner, a federal inmate proceeding *pro se*, submitted a 28 U.S.C. § 2241

petition. By Memorandum Order entered on November 15, 2017, the Court directed

Petitioner, within fifteen (15) days of the date of entry thereof, to complete and return an

in forma pauperis affidavit. The Court warned Petitioner it would dismiss the action if

Petitioner did not return a completed *in forma pauperis* affidavit or pay the filing fee

within that time period. More than fifteen (15) days elapsed since the entry of the

November 15, 2017 Memorandum Order and Petitioner did not respond. Accordingly,

by Memorandum Opinion and Order entered on January 26, 2018, the Court dismissed

the action without prejudice.

On February 5, 2018, the Court received a letter from Petitioner wherein he stated

that he sent the $5.00 filing fee to the Court in a timely fashion. (ECF No. 6, at 1.)

Petitioner attached to that letter documentation from his place of incarceration that

indicated that he withdrew money from his prison account to pay the filing fee. (*Id.* at 3.)

In light of the foregoing submissions, by Memorandum Order entered on February 28, 2018, the Court vacated the dismissal of the action and directed Petitioner to submit the $5.00 filing fee within twenty (20) days of the date of entry thereof. The Court warned Petitioner that the failure to timely submit the filing fee would result in the dismissal of the action.

More than twenty (20) days have elapsed since the entry of the February 28, 2018 Memorandum Order. Petitioner has not paid the filing fee. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion

_____ /s/_____
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: April 9 2018
Richmond, Virginia